

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

APRIL 7, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Scott, and Trzupek

ABSENT: 1 – Sheth

Also present was Community Development Director Doug Pollock and Trustee Guy Franzese.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the March 3, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Hoch, Grunsten, Praxmarer and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

3. PUBLIC HEARINGS

A. Z-01-2014: 590 Village Center Drive (Wok N Fire); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner operates a restaurant in the Village Center and was granted a special use for a sidewalk dining area. The special use was granted for a one year period in 2012 and renewed for another year in 2013. The outdoor dining area is located on the sidewalk in front of the restaurant and uses portable wood railings. The intent of the original special use was to give the petitioner time before they built a permanent patio for outdoor dining on the side and in the rear of the building.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Michael Durlacher stated that he was the attorney for the petitioner. He said he had nothing to add to the staff comments and he and his client are available to answer questions.

Chairman Trzupsek asked if there was anyone in the audience wishing to speak on this matter. There were none.

Chairman Trzupsek asked the petitioner if they had plans for a more permanent patio and outdoor dining area. Mr. Durlacher said they were considering replacing the wood railing with a metal railing and adding another door from the restaurant to the sidewalk; using the same general area for outdoor dining.

Chairman Trzupsek asked the Commissioners for questions and comments.

Commissioner Stratis asked if there were any issues with the landlord relative to the construction of a permanent outdoor dining area. Mr. Durlacher said the landlord has approved the continuation of the same sidewalk dining area contingent on construction of a more permanent patio.

Commissioners Hoch and Grunsten each asked if there would be the same amount of tables and chairs and the same configuration. Mr. Durlacher confirmed there would be the exact same set up.

In response to Commissioner Praxmarer, Mr. Durlacher said that the umbrellas and other materials would not have any advertising.

Commissioner Grela said he is concerned that the petitioner is asking for a continuation of a temporary special use that the Village previously said they would not extend again. He noted that the Board of Trustees specifically said last year that they would not consider granting another special use for the sidewalk dining area as they expected the petitioner to proceed with the permanent patio to be constructed on the side or rear of the building.

Mr. Durlacher responded that the finances of the business do not allow them to construct the patio at this time. He suggested this was an opportunity for the Village to help a struggling business.

Mr. Mark Bartlett introduced himself as one of the owners of the restaurant. He said they want to have the grand structure originally envisioned for the outdoor dining but they did not have the finances to do so. He estimated that would cost them \$100,000 to \$200,000. He said that the restaurant needs to have outdoor dining to succeed and that is why the temporary sidewalk area was requested.

Commissioner Scott asked about the plans for a metal rail that the petitioner noted were given to staff. Mr. Durlacher said they originally submitted a metal rail to replace the wood rail in the same location. Mr. Pollock said that the petitioner subsequently asked staff not to present the metal rail to staff.

Commissioner Scott said he is struggling with what to do because he fears that if given another year the petitioner will be back again next year asking for the same relief. He said he does not want to continue approving the temporary installation.

Mr. Bartlett said that the permanent patio in the back would never happen. He said it costs too much money.

Chairman Trzupsek said that there are two features of the previously approved outdoor dining area that he believes were only allowed because they were temporary. He said those two features are the wood railing and the configuration or location of the dining area. He said he would be hesitant to make either one permanent. Chairman Trzupsek referenced a permanent patio that was originally approved by the Village in 2011 and located on the side and back of the restaurant. He suggested that the petitioner consider constructing that portion of the permanent patio that is located to the side of the building. He said that would allow for a better configuration and a permanent installation. He said it could be considered phase 1 of the final plan.

Chairman Trzupsek suggested that the hearing be continued to April 21 so that the petitioner could submit plans for a permanent installation of the patio. He added that if that were done, he might consider supporting continued use of the temporary dining area until the permanent patio is constructed.

Commissioner Stratis added that he agrees but would want a definite date. He suggested July 15 as an example.

There being no more questions or comments from the public, Chairman Trzupsek asked for a motion to continue the hearing.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Praxmarer to continue the hearing for Z-01-2014 to April 21, 2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Praxmarer, Stratis, Grunsten, Hoch, Scott, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. Z-02-2014: Zoning Ordinance Text Amendment – Rooftop Solar Panels

Chairman Trzupsek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the hearing as follows: At its March 3, 2014 meeting, the Plan Commission, acting as the Zoning Board of Appeals, recommended approval of a variation to allow rooftop solar panels to encroach into the required five foot setback from the perimeter wall of the building for the property located at 15W050 87th Street. The variation was subsequently approved by the Board of Trustees. Immediately after making its recommendation to approve the variation, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider an amendment to the Zoning Ordinance to modify the setback requirement for rooftop panels. It was the consensus of the Plan Commission that the reduced setback approved for this particular property may be appropriate for all rooftop solar panel installations.

There were no questions or comments from the audience. Chairman Trzupke asked for questions and comments from the Plan Commission.

Commissioner Scott asked if other Villages had similar regulations. Mr. Pollock said that he looked at regulations for a few other Villages pertaining to solar panels and did not find any with a similar setback requirement. He added that the contractor for the installation on 87th Street testified at the hearing that he has never seen such a regulation in the various Village's in which he has worked.

Chairman Trzupke asked if anyone recalled why the five foot setback is required. No one recalled any specifics but Chairman Trzupke said he thought it might be because of older types of solar panels that were more obtrusive. Commissioner Stratis said it may also have been to encourage conduit to travel through the building rather than on the outside of the building.

Commissioner Hoch said she googled pictures of rooftop solar panels and most of the pictures showed the panels going to the edge and that appearance seemed acceptable.

Chairman Trzupke noted that as long as the other regulations remain in place regarding the conduit matching the building and related regulations, he did not object to eliminating the setback requirement.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to close the hearing for Z-02-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Stratis, Hoch, Grunsten, Praxmarer, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to recommend an amendment to the Section IV.N.2.b of the Zoning Ordinance as follows:

~~Solar collectors must be set back a minimum of five feet (5') from the principal façade for sloped and flat roofed buildings shall not extend beyond the edge of a roof and not extend beyond the hip rafter on hip-roofed buildings. Collectors may be located closer to the front façade for flat roofed buildings, if they are not visible from the street at the front property line.~~

ROLL CALL VOTE was as follows:

AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

C. Z-03-2014: Zoning Ordinance Text Amendment – Beekeeping

Chairman Trzupek asked Mr. Pollock to summarize this public hearing.

Mr. Pollock summarized the hearing as follows: At its March 3, 2014 meeting, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider adding beekeeping to the list of permitted accessory uses in residential districts and to establish regulations for backyard beekeeping. At their March 10, 2014 meeting, the Village Board directed the Plan Commission to proceed with the requested public hearing. This issue was brought to staff's attention by a resident interested in beekeeping as a hobby. Upon investigation, it was discovered that this is an activity with growing interest and that many other communities have adopted regulations to permit backyard or hobby beekeeping. The Burr Ridge Zoning Ordinance currently does not list beekeeping as a permitted accessory use.

Chairman Trzupek asked for public comments.

Chief Ted Jenkins said that he was a member of the Cook Du Page Beekeepers Association and also Chief of Police for the Village of Clarendon Hills. He said he was involved with the adoption of regulations for Clarendon Hills. Also present was Mr. John Hansen, past President of the Cook Du Page Beekeepers Association.

Mr. Hansen said that honey bees are not dangerous and that most people who think they are allergic are actually allergic to other types of bees or wasps. He described beekeeping practices when done as a hobby and referenced regulations established in other communities.

Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Scott asked about the size of a bee colony. Mr. Hansen said a bee colony may have 30,000 to 50,000 bees at its peak but only about one third will leave the hive at any given time. He said the bees will fly up to three miles from their hive.

Commissioner Grela asked if there was a standard ratio of bee hives to the size of the property. Mr. Hansen said there was not an industry standard. He said the City of Evanston has smaller lots and they allow one hive per lot.

Commissioner Hoch asked if there were any animals that are attracted to bee hives. Mr. Hansen said that skunks can be attracted but that the bees do a good job of keeping animals away from their hives. He said he has not seen this to be a problem.

Commissioner Grunsten referenced a Lake County Ordinance which requires re-queening of hives that show aggressive behavior. Mr. Hansen said that re-queening is something that should be done more often.

Chief Jenkins noted that the State of Illinois requires licensing of beehives maintained by people and has strict regulations for beehive maintenance. He said Clarendon Hills relies on the state regulations.

Mr. Pollock asked about the size of the structure for a beehive. Mr. Hansen said that four colonies can be kept within the footprint about the size of a pallet and that they are usually four to 5 feet tall.

Resident Alice Krampits said that she used to have four hives and they caused no problems at all for her or her neighbors.

Mr. Pollock asked if the Plan Commission wanted him to prepare a draft ordinance based on the Clarendon Hills Ordinance.

Commissioner Grunsten said she would like to see the City of Evanston Ordinance. There was general consensus to proceed with a draft Ordinance.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the hearing for Z-03-2014 to April 21, 2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Grunsten, Hoch, Praxmarer, Grela, Scott, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

There were no other considerations.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that due to the continuances tonight, there would be a meeting on April 21.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 9:11 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:11 p.m.

Respectfully
Submitted:



April 21, 2014

J. Douglas Pollock, AICP